THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16755 of 2005

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

Between:

The Ongole Mandal Schedule "Caste Agricultural Lands, Assignees Welfare Society, rep. by its President Inampudi-
Yesuratnam, S/o. Yenkataswamy, R/o. Ongole, Prakasam District.

..... PETITIONER

AND

1 The District Collector, Prakasam District, at Ongole.
2 The Mandal Revenue Officer, Ongole Mandal, Prakasam District.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE E. DHARMA RAO

WRIT PETITION NO. 16755 OF 2005

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in attempting to cancel the D-Form Pattas granted in favour of the members of the petitioner-Society without following due process of law and trying to assign the same to the persons of their choice as illegal and arbitrary.

The petitioner herein is a registered association by name and style 'Ongole Mandal Schedule Caste Agricultural Lands Assignees Welfare Society' represented by its President, which was established with a view to protect the lands of its members situated in Sy.No.522/AP of Devarampadu village, Ongole Mandal, Prakasam District.

In the affidavit filed in support of the writ petition it is stated that the respondents assigned an

extent of Ac.2.50 cents each to 16 Scheduled Caste Community people, who are landless poor for the purpose of their livelihood during the year 1990 and 1992 respectively and their names were mutated in the relevant revenue records. Since then the beneficiaries are in possession and enjoyment of their respective lands by paying requisite cists. Thereafter, the beneficiaries converted their lands for cultivation by investing huge amounts and the respondents authorities also issued Pattedar Pass Books in their favour in this regard. While so, the Upper Caste Community people have trespassed into the said lands and removed the survey stones and ploughed the land with tractors. In view of the same, a criminal case was also registered. Aggrieved by the same, the petitioner-Society submitted a representation dated 03-11-2004 to the 1st respondent-District Collector. Accordingly, 1st respondent passed an order vide M.C.No.5A/2002 dated 24-01-2005, prohibiting both the parties therein from entering into the land situated in S.No.522/A till the case is settled by the competent authority. The grievance of the petitioner-Association is that the respondents authorities at the instance of the local political parties trying to cancel the assignment and to allot the same to the persons of their choice and that so far no final orders have been passed by the competent authorities.

Heard both sides.

On a perusal of the material available on record, admittedly, nowhere it is stated that the respondents authorities has issued necessary notices to the beneficiaries as required under law and thereby it is clear that the respondents authorities without following due process of law trying to proceed further in this matter.

Having regard to the facts and circumstances of the case and in view of the fact that the respondents authorities did not proceed as per law, without going into the merits of the case, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to dispossess the petitioners from their respective lands without following due process of law.

With the above observation, the writ petition is disposed of. No costs.

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29-07-2005

Note: CC in two days

B/o MjI/*